

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Enesco Group, Inc., an Illinois  
corporation, and Jim Shore Designs, Inc., a  
South Carolina corporation,

Plaintiffs,

v.

MercAsia USA, Ltd., an Illinois  
corporation,

Defendant.

Case Number: 08 C 675

Judge Suzanne B. Conlon

**DEFENDANT'S MOTION TO VACATE TECHNICAL DEFAULT AND FOR  
ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD**

NOW COMES Defendant MercAsia USA, Ltd., by its attorneys, QUERREY & HARROW, LTD., and moves this Court for an enlargement of time to answer or otherwise plead. In support, defendant states as follow:

1. Defendant in this matter has recently retained QUERREY & HARROW, LTD., as its attorneys.
2. Plaintiffs served defendant with the complaint in this action on February 1, 2008, alleging that defendant produced, imported and sold certain Christmas ornaments that infringed plaintiffs' copyrights and trade dress.
3. Defendant disputes trade dress and copyright infringement; disputes that it produced imported or sold the Christmas ornaments in question; and disputes the other claims of the complaint.
4. To pursue possible settlement without requiring defendant to appear or respond to the complaint, plaintiffs granted an extension of time until March 17, 2008 for defendant to respond to the complaint.

5. The parties reached a settlement-in-principle on March 11, 2008, and plaintiffs forwarded a draft settlement agreement to defendant on March 18, 2008, without requiring an answer or response to the complaint.

6. On March 18, 2008, after receipt of the settlement agreement, defendant was advised that a technical default had been entered by the Court.

7. As the parties are attempting to complete the settlement agreement, and as the undersigned has only recently been retained in the matter, good cause appears for an enlargement of time to answer or otherwise plead.

8. The plaintiffs will not be prejudiced if defendant is granted an enlargement of time to answer or otherwise plead.

WHEREFORE DEFENDANT PRAYS:

1. That this Honorable Court grant an enlargement of time up to and including March 31, 2008 for defendant to answer or otherwise plead;
2. That this Honorable Court vacate any default, technical or otherwise;
3. That this Honorable Court grant any other relief it deems just.

Respectfully submitted,

MercAsia USA, Ltd.

By: s/Dominick L. Lanzito  
One of their Attorneys

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